

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONZELL GALVIN,

Petitioner,

Case Number: 2:06-CV-14515

v.

HONORABLE VICTORIA A. ROBERTS

CARMEN PALMER,

Respondent.

**OPINION AND ORDER (1) DENYING AS MOOT PETITIONER'S MOTION
TO STRIKE MOTION TO DISMISS SEVEN AMENDED HABEAS CLAIMS
AND (2) GRANTING PETITIONER'S MOTION FOR PERMISSION TO
APPEAL IN FORMA PAUPERIS**

Petitioner Donzell Galvin filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner, a state inmate incarcerated at the Michigan Reformatory in Ionia, Michigan, challenged his convictions for two counts of first-degree murder. On September 10, 2012, the Court denied the petition and denied a certificate of appealability. Now before the Court are Petitioner's Motion to Strike Motion to Dismiss Seven Amended Habeas Claims and Motion for Permission to Appeal In Forma Pauperis.

In his motion to strike, Petitioner asks the Court to construe his habeas petition to include seven claims that he previously requested be stricken from the petition. The Court denied the petition and, in doing so, addressed the seven claims that are the subject of Petitioner's motion. The motion will be denied as moot.

Petitioner also seeks leave to proceed on appeal in forma pauperis. Federal Rule

of Appellate Procedure 24(a)(1) provides that a party to a district-court action who desires to appeal *in forma pauperis* must file a motion in the district court. An appeal may not be taken *in forma pauperis* if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). “[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit.” *Walker v. O’Brien*, 216 F.3d 626, 631 (7th Cir. 2000). While the Court held that jurists of reason would not find the Court’s decision that the petition was meritless to be debatable or wrong, the Court finds that an appeal may be taken in good faith.

The Court DENIES AS MOOT Petitioner’s “Motion to Strike Motion to Dismiss 7 Amended Habeas Claims” [dkt. # 76] and GRANTS Petitioner’s “Motion for Permission to Appeal In Forma Pauperis” [dkt. # 79].

SO ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 15, 2012

The undersigned certifies that a copy of this document was served on the attorneys of record and Donzell Galvin by electronic means or U.S. Mail on October 15, 2012.

s/Carol A. Pinegar
Deputy Clerk